

REMARKS

Claims 1-32 are currently pending in this application. Claims 26-32 were added by Preliminary Amendment and claims 10 and 21 were withdrawn from further consideration in view of an earlier Restriction Requirement. Therefore, claims 1-9, 11-20 and 22-32 remain pending in this application. This Amendment cancels claims 29 and 31, amends claims 28, 30 and 32 and adds new claim 33. Support for the amendments to the claims and the new claim can be found in the specification, drawings and claims as originally filed. No new matter has been added.

The Examiner did not acknowledge a claim of priority to the provisional application in this Office Action. Applicants respectfully request that the Examiner acknowledge our claim of priority to United States Provisional Patent Application No. 60/420,698 filed October 23, 2002, as indicated on page 1, paragraph [0001] of the present application and in Paragraph 5 of the filed Declaration and Power of Attorney.

The Examiner has indicated that claims 26, 27, 29 and 31 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims

The present invention, as claimed in independent claim 1, is directed to a modular fluid casing that includes a housing having an inlet end and an outlet end and defining a flow channel therebetween, wherein the flow channel is in fluid communication with the inlet end and the outlet end. The modular fluid casing further includes a modular cage removably secured to the housing. The modular cage having a first open end and a second open end and defining an interior cavity is received within the flow channel of the housing. The interior cavity of the modular cage is in fluid communication with the inlet end and the outlet end of the housing, wherein the interior cavity of the modular cage is adapted to receive at least one check valve. As discussed below in detail, the cited prior art reference does not teach or suggest a housing having an inlet end and an outlet end and defining a flow channel therebetween.

The Examiner has rejected claims 1-9, 11-13, 15-20, 22-25, 28, 30 and 32 under 35 U.S.C. §102(b) for anticipation by International Publication No. WO 00/70246, also owned by Zurn Industries, Inc., (hereinafter "the Zurn Publication"). The Examiner asserts that the check valve arrangement comprises a housing having an inlet end 44 and an outlet end 48 defining a

flow channel therebetween, and a modular cage removably secured to the housing. Applicants respectfully disagree with the Examiner.

The Zurn publication discloses an inlet body 12 and an outlet body 14 which are separated via a pair of spacers 16 (page 5, lines 19-22). The inlet body 12 and the outlet body 14 are not in fluid communication with each other. According to Webster's II New College Dictionary, the word "channel" is defined as "4. A tubular passage for liquids. 5. A course through which something may be directed or moved." Furthermore, when the word "flow" precedes the word "channel", it is even clearer that a passage or course must exist between the inlet body and the outlet body to direct the flow of fluid. The spacers 16 in the Zurn publication do not provide such passage for the flow of fluid. Therefore, no "flow channel" can exist between the inlet end and outlet end of the housing as claimed in independent claims 1, 11 and 25 of the present invention. Accordingly, claims 9, 11-13, 15-20 and 22-25 are not anticipated by the Zurn publication.

However, independent claims 28, 30 and 32 which were added by Preliminary Amendment do not include the distinguishing language of claims 1, 11 and 25, namely, "a housing having an inlet end and an outlet end and defining flow channel therebetween." In response, claims 29 and 31 have been canceled, and independent claims 28, 30 and 32 have been amended to include the allowable subject matter (i.e., a wedged arrangement) found in canceled claims 29 and 31. Support for the amendment to the claims can be found, for example, in canceled claim 29 and 31, in Figs. 2 and 3 of the drawings, and on page 6, paragraph [0023] of the present specification. In view of the above, withdrawal of the rejection of claims 1-9, 11-13, 15-20, 22-25, 28, 30 and 32 is respectfully requested.

The Examiner has rejected claim 14 under 35 U.S.C. §103(a) for obviousness over the Zurn publication. The Examiner asserts that it is an obvious design expedient to provide different diameter portions in the interior cavity of the modular cage because this feature does not provide any new and/or unexpected results nor solve any stated problems. Paragraph 19 on page 4 of the present specification states that the first diameter portion D1 of the interior cavity 44 of the modular cage can separately and independently hold check valve 14 in place as shown in Fig. 2. Because of this specific feature, the check valve arrangement can operate with only one check valve in contrast to a second check valve being needed to hold each one in place as in the Zurn publication. In either case, claim 14 which depends from claim 11 is patentable over the Zurn

publication for the reasons discussed above in connection with independent claims 1, 11 and 25. Accordingly, withdrawal of the rejection of claim 14 is respectfully requested.

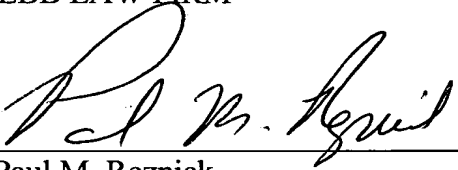
New dependent claim 33 has been added by this Amendment. Claim 33, which depends from claim 25, includes the allowable subject matter of claim 26. No new matter has been added.

CONCLUSION

In view of the foregoing, Applicants believe that claims 1-9, 11-20, 22-28, 30, 32 and 33 are patentable over the prior art of record and are in condition for allowance.

Respectfully submitted,

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